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to halt any public attacks pertaining to this case.¹ Specifically, Plaintiff Jason Followell and his counsel were told to cease personal attacks on the Defendants that might pertain to this suit and violate the Court's rules of decorum and prejudice the jury.² Plaintiff has not ceased these attacks and has continued to act in a manner that does not comply with this Court's instruction and which serves only to poison the jury pool against the Defendants. These attacks are untrue, prejudicial, personal, at times defamatory, and in violation of this Court's prior instruction to the parties. Additionally, Plaintiff has indicated his intent to publish the upcoming depositions of the Defendants to his over 10,000 followers/subscribers and threatened anyone who testifies on behalf of the defense with prison if they dare to stand up to the Plaintiff.

Defendants wish to keep the Court apprised of these statements and seek a conference in advance of a motion and hearing for a protective order. The Defendants also seek to establish the procedures governing the depositions to take place in this case.

FACTUAL ALLEGATIONS

The parties met for their initial pretrial conference on June 13th, 2024, and this Court was advised of the prejudicial comments made by Plaintiff towards the Defendants.³ The Court considered this advisement and instructed the parties cease making derogatory public statements regarding each other and this case.⁴ The Plaintiff's attorney advised that he had already spoken with his client regarding these statements and would advise him again to "tone it down."

However, the deluge of derogatory and prejudicial comments from the Plaintiff on his social

¹ Exhibit A, Docket Text from the 6/13/2024 Pretrial Conference.

² *Id.*

³ *Id.*

⁴ *Id.*

media accounts has neither ceased nor slowed. While it appears that Plaintiff's attorney may have issued some instruction to cease making such public statements⁵, just a few days later his attorney can be seen encouraging Plaintiff to share a post pertaining to this case.⁶ The video contains clips of Plaintiff's legal arguments, ones Defendants maintain are misapplied to this case, made at multiple council meetings cobbled together with meme reaction clips.⁷ The parties were instructed by this Court against making such public comments, however, Plaintiff's attorney can be seen encouraging this exact behavior.

Additionally, this is not the only post that Plaintiff has made regarding this case or these defendants that is prejudicial to Defendants and this Court's ability to empanel an impartial jury.⁸ Plaintiff still maintains a false and defamatory photoshop of two Defendants in prison jumpsuits, making a verifiably false claim to the public that they are criminals.⁹ He specifically threatens that individuals who wish to testify in this case will face prison time and claims he will disseminate video depositions after they are taken.¹⁰ He repeatedly misstates the facts of this case while making derogatory and defamatory statements against the Defendants. He also seems to have a particular distaste for Defendant Carrie Scruggs, possibly because Plaintiff does not believe that women should hold certain positions of power, who has stated is simply Hitler reincarnated.¹¹ He recently

5 Exhibit B.

6 Exhibit C.

7 *Id.*

8 Exhibits D, E, F, G, H, and I.

9 Exhibit Q.

10 Exhibits I, K, and L.

11 Exhibits M, N, and O. Exhibit O is a screenshot of a video posted by Plaintiff wherein the pundit posits that women are unsuited for certain types of jobs. The white redaction is automatically applied when taking the screenshot to, presumably, block the original creator's logo. Currently, it can be viewed on his Instagram page at <https://www.instagram.com/p/C9e8Qq3OFm9/>. Exhibit M is the only post included here that is dated before the parties' initial pretrial conference.

posted a poorly photoshopped picture of her, along with other Defendants, as medusa and her snakes.¹² The picture serves only to prejudice individuals in the potential jury pool against the Defendants.

Defendants position is that these repeated and unending public statements violate this Court's instruction to the parties. The Defendants also seek a conference to be set in advance of filing a motion for a protective order. It should be noted that these are simply examples of posts the Plaintiff has made in the last month. Given the amount of time before trial, without a protective order in place, Plaintiff will continue with this behavior and poison the jury pool.

ARGUMENT

The unending vitriol coming from Plaintiff serves only to poison the jury pool against the Defendants by making ad hominin attacks against the Defendants, misstatements of fact, and of law.¹³ Plaintiff has over ten thousand subscribers on YouTube, hundreds of friends on Facebook, and almost a thousand followers on Instagram.¹⁴ Plaintiff often cross-posts across different platforms regarding this case and the Defendants themselves despite this Court's instructions to the contrary.

It seems clear at this point that Plaintiff has no intentions of ceasing this behavior which violates this Court's prior instruction, the Rules of the Southern District, and serves to poison the

¹² Exhibit P.

¹³ See Exhibits B-N.

¹⁴ <https://www.instagram.com/jasonfollowell/>
<https://www.facebook.com/jason.followell/>
https://www.youtube.com/channel/UCNAkTS0-k13vA_ctyuYFnig

Be aware that the above links to Plaintiff's public social media accounts contain images and language that would be considered obscene and pornographic. Plaintiff is under notice not to permanently delete any social media post pertaining to these Defendants or this case. Such posts may be taken down, but they must be retained and saved for use in this case.

jury pool. Defendants are faced with a torrent of spiteful and prejudicial statements from the Plaintiff that misstate the law which applies to this case as well as the facts of this case.

Most egregious, Plaintiff has also engaged in direct witness intimidation by threatening to seek prison time for any witness who testifies in favor of the Defense.¹⁵ Even beyond this direct threat against witnesses who may testify in favor of the defense, there is certainly an implied threat based on the Plaintiff's past actions that any individual who stands up to him to testify would simply become his next target.

Additionally, due to Plaintiff's indication that he wishes to videotape and disseminate the footage from the depositions after they are completed, the Defendants request a conference to set out procedures for any taking of depositions and an agreement that the videotapes and/or transcripts be held confidential at least until after this matter is resolved. To release these videos and/or transcripts to the public would serve to influence and potentially prejudice the jury pool with testimony before trial and which this Court has not yet ruled admissible. This is especially true as it is highly likely that the Plaintiff would simply cherry pick portions of the depositions, which will likely consist only of cross examination by his attorney, that are favorable to his case.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant **CITY OF ARANSAS PASS** prays that this Court be advised that Plaintiff has not ceased his public, prejudicial, and personal attacks on the Defendants which threaten to poison this jury pool, as well as the public threats against those who may testify in this matter. Defendants also pray that the Court order a conference of the parties in advance of Defendants Motion for a Protective order on the issues of the deposition

¹⁵ Exhibits I, K, and L.

testimony and the public statements being made by the Plaintiff.

Respectfully submitted,

By: /s/James McKibben

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded, *Via Electronic Filing*, to Plaintiff's counsel, in accordance with the Federal Rules of Civil Procedure on Thursday, July 18, 2024.

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